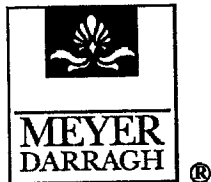


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Please refer to: DON.106645

July 1, 2005

Carl R. Schiffman, Esquire  
Schiffman & Wojdowski  
1300 Fifth Avenue  
Pittsburgh, PA 15219-6270

RE: Foster v. Hajduk, Kerna and Schreckengost Contracting

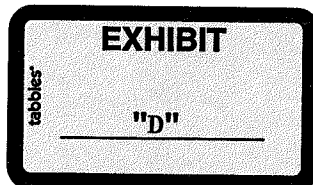
Dear Carl:

In your correspondence of June 29, 2005, you advised that you will not respond to my Second Set of Expert Discovery, which entails only one request, on the basis that it was served on May 13, 2005--beyond the April 5, 2005 discovery deadline. While that Second Set of Discovery was served beyond the April 5 discovery deadline, I am surprised by your response and find it disingenuous for the following reasons.

I first served you with the Request for a Disclosure of Expert Testimony and Expert Interrogatories on November 24, 2004. Despite numerous phone calls and correspondences, wherein I requested responses, I ultimately had to file a Motion to Compel on February 22, 2005. Ultimately, this resulted in the Court entering an Order of March 11, 2005; that Order provided you until March 31, 2005 within which to respond to my discovery. I received your discovery responses, dated March 31, 2005, on Friday, April 1, 2005. Once I had the opportunity to review these responses, I determined that it was necessary for the Second Set, which you were served with on May 13, 2005.

I find it incredulous if you are suggesting that I should have reviewed your April 1 discovery submission before Tuesday, April 5, 2005 and determined, within that time frame, what supplements, if any, were necessary. This is especially true in light of your taking more than four months, after the issuance of a Court Order, to respond to the initial set of discovery in the first instance. Alternatively, it is equally incredulous if you are suggesting that I should have served you with a supplemental discovery request on February 5, 2005, without having yet received your first responses.

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Carl R. Schiffman, Esquire  
DON.106645  
July 1, 2005  
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As for my discovery requests of November 4, 2004, I specifically asked for legible copies of exhibits used by Mr. Murray in support of the opinions set forth in his report. His use of a correspondence you would have sent to him obviously played a role in him forming his opinions. You and I both know that correspondences between counsel and his/her expert are discoverable.

Carl, you and I have worked together on several cases in the past and have always been willing to accommodate one another. I am asking one last time that you provide me with the response to my Second Set of Discovery so as to avoid a Motion to Compel. If necessary, I will argue this Motion before Judge Lenihan on July 15, 2005, at the 10:00 a.m. Settlement Conference.

Very truly yours,



RICHARD S. CANCEILLO

RSC:mad

cc: Natalie Troilo, Esquire